

Before the Board of Zoning Adjustment, D. C.

Application No. 12277 of 410-420 - 11th Street, N. E., Associates pursuant to Sub-section 8207.11 of the Zoning Regulations, for area variances from Sub-sections 3303.1, 7107.21 and 7107.23 (percentage of lot occupancy) and Sub-sections 3306.1 and 7107.22 (closed court width and area). Applicant seeks to renovate a vacant apartment building, a non-conforming structure, and construct a rear addition to the apartment building which is a corridor connecting the building on first (1st) and third (3rd) floors in the R-4 District at premises 410-420 - 11th Street, N. E., Lots 63,62,61,60,59 and 58, Square 962.

HEARING DATE: January 19, 1977

DECISION DATE: February 8, 1977

FINDINGS OF FACT:

1. The applicant is the owner of the premises 410-420 11th Street, N. E.

2. The subject property is improved by six four-story walk-up apartments which were constructed prior to 1900. The apartments contain a total of 24 units, which are so arranged that there is a long hallway extending from the front to the rear of each of the units. Each unit presently contains approximately 1,400 square feet and approximately 300 feet of that area is devoted to hallway. The rooms are of the tenement type. The depth of the building is approximately 85 feet. The existing buildings are presently non-conforming as to lot occupancy and closed court requirements.

3. The present owners purchased the property in June of 1973 and attempted to use the apartments as a low-rent housing accommodation in their then existing condition. The record discloses that while the owners brought the buildings up to the retroactive provisions of the Building Code, they still were outdated, outmoded and not designed in a manner to make them marketable. Moreover, the units did not meet modern code requirements. According to the statement submitted on behalf of the applicant by Richard J. Bell, it became obvious in May of 1974 that the buildings had exceeded their useful economic life.

4. The buildings were vacated in 1974 and have remained vacant since. There is testimony that the buildings were vacated due to the inefficiency of the units, the high cost of maintenance and the inability to raise rents to offset the high maintenance costs.

5. The proposed renovation, which requires a variance, consists of a lateral hall connecting the buildings at two locations. The total additional area covered by virtue of the lateral hallway is 83.94 square feet. Since a rear porch will be removed, the overall lot occupancy consisting of 80.5 percent will be reduced to approximately 79.05 percent.

6. The Zoning Administrator has determined that since the renovation involves building in a new area that a variance is required from the lot occupancy provisions.

7. The placement of the lateral hallway will not change the width of the closed court but will reduce the closed court area from approximately 280 square feet to 55.52 square feet. The open court, which is created by virtue of razing the rear covered porch, will substantially increase light and ventilation to the building at the rear of the hallway.

8. The length of the unit extends approximately 85 feet with an open hallway similar to tenement construction. The proposal of the applicant will permit two-story units.

9. The original apartment project had three separate entrances with three separate front staircases, each of which serves two apartment on each floor. The current stairways do not comply with housing codes because they have severely limited headroom. The stairways cut the apartments off from much of the street front light and ventilation. The three separate entrances increase the problem of security and the maintenance cost of the project. Each apartment extends to the full depth of the buildings and much apartment space is used for internal hallways. There is no lateral contact between buildings except by way of the open porches located at the rear of the buildings. The porches are also a serious problem with respect to maintaining security. The porches additionally are structurally unsound. The plans disclose that during renovation the applicant will extend the existing buildings to incorporate the rear porches in the permanent construction.

10. The applicant proposes to fully renovate the buildings to produce a modern unified project consisting of 24 units ranging from two to three bedrooms. The plans submitted by the applicant show that each unit will contain two stories. The new

design proposes a single central entrance with the buildings being connected laterally by a hallway to be located on the first and third floors running north and south. It will be positioned midway in the buildings. This hallway penetrates the two closed courts which currently exist. It is this coverage of previously open court area and the creation thereby of two new small closed courts that require the granting of a variance. The additional lot coverage, 84 feet, is an increase of 1 percent over the existing lot occupancy. The two closed courts, with areas of 55.52 square feet, will serve essentially as light and ventilation shafts for the new apartments.

11. The applicant plans to construct an elevator instead of retaining a four-story walk-up building to serve the entire building.

12. There will be no increase in parking required for the buildings.

13. Adjoining property owners and the Capitol Hill Restoration Society both testified in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the entire record the Board concludes that applicant has met the burden of proof of Sub-section 8207.11 in establishing peculiar and exceptional practical difficulties. The Board further concludes that the relief sought herein can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED.

VOTE:

4-0 (Richard L. Stanton, William F. McIntosh, Lilla Burt Cummings, Esq. and Leonard L. McCants, Esq.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER:

4-21-77

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.